

ARTICLE 12
DISCIPLINARY ACTION PROCEDURES

12.1 Probationary Period

12.1.1 Classified unit members shall serve a period of probation which shall be twelve (12) months in duration.

12.1.2 During the probationary period, a classified unit member may be released without cause.

12.2 Disciplinary Progressive Steps

During the probationary period, a classified unit member may be released without cause. In handling disciplinary matters, it is intended that the progressive steps be utilized to the greatest extent permitted by individual circumstances, and that discipline shall be commensurate with the offense.

1. Verbal reprimand
2. Written reprimand with a copy to the employee's Personnel File
3. Suspension without pay
4. Involuntary reassignment or demotion
5. Dismissal

12.3 Permanent Classified Unit Members-Discipline & Dismissal

12.3.1 Discipline shall be imposed on a permanent member of the classified bargaining unit only for just cause and pursuant to this Article and pertinent law(s). No disciplinary action shall be taken for any cause which arose more than two (2) years preceding the date of the filing of the notice of cause unless such cause was concealed or not disclosed by such unit member when it could be reasonably assumed that the unit member should have disclosed the facts to the employing District. A permanent unit member is one who has completed an initial probationary period of twelve (12) months beyond the initial date of employment by the District and is referred to in this procedure as a "unit member."

12.3.2 Whenever possible, disciplinary action will be taken only after the unit member has been counseled by his/her immediate supervisor and/or Superintendent regarding unsatisfactory actions or lack of action.

12.4 Letter of Reprimand

A reprimand or warning notice relating to action or lack of action may be placed in a unit member's personnel file. The unit member shall be provided a copy and a notice of opportunity to reply. The unit member must be given at least ten (10) work days to reply before the document is placed in his/her personnel file. The unit member's written comments/response, if any, must be attached to the reprimand or warning notice.

12.5 Types of Disciplinary Action

12.5.1 Demotion: A unit member may be demoted to a lower salary classification for cause and in accordance with this procedure.

12.5.2 Suspension: A unit member may be suspended for cause and in accordance with this procedure, for a period of up to thirty (30) days without pay.

12.5.3 Dismissal: A unit member may be dismissed for cause and in accordance with this procedure.

12.6 In Writing

Since disciplinary action is a very serious matter, cause shall be determined to exist if evidence has been submitted in writing to the unit member and the unit member's supervisor. Unsubstantiated hearsay or verbal complaints shall not be considered as evidence of cause.

12.7 Disciplinary Causes

A permanent unit member may have disciplinary action taken for any of the following causes:

1. Unauthorized absence
2. Conviction of a crime
3. Incompetency or inefficiency
4. Insubordination
5. Neglect of duty
6. Intoxication while on duty, drinking or possession of alcoholic beverages on the job
7. Illegal use, possession, sale or otherwise furnishing or being under the influence of any controlled substance as defined by the Health and Safety Code
8. Conviction of a sex offense as defined in the Education Code
9. Conviction of narcotic offense as defined in the Education and Penal Code
10. Disorderly or immoral conduct while on duty
11. Willful violation of District policy and regulations or of an order made by the unit member's immediate supervisor or by a District Administrator
12. Willful violation of the State law(s) while on duty
13. Negligent or willful damage to District property or waste of public supplies or equipment

14. Falsification of application
15. Dishonesty while on duty or in employment related matters
16. Repeated unexcused tardiness or absences
17. Inability to work harmoniously with other unit members of the District
18. Discourteous treatment of the public, fellow unit members or students
19. Evident unfitness for service
20. Failure to maintain licenses or certificates required for the position
21. Misappropriation of District funds or property

12.8 Recommendation of Disciplinary Action: Notice

The Superintendent shall recommend disciplinary action to be taken against a permanent classified unit member to the Board of Trustees. The unit member shall be entitled to a hearing before the Board of Trustees prior to imposition of disciplinary action by the Board. The hearing shall be held within a reasonable period of time, but not less than five (5) work days after the filing of a request for a hearing. The Superintendent shall serve written notice on the unit member, either by personal service or by certified mail. Said notice shall contain the following:

- 12.8.1** A statement of the specific charges against the unit member including:
 - a. A statement in ordinary and concise language of the specific acts and/or omissions upon which the disciplinary action is based; and
 - b. A statement of the cause for the recommended disciplinary action. If it is claimed that the unit member has violated a District regulation or order, that regulation or order must be set forth.
- 12.8.2** A statement of the disciplinary action which is being recommended.
- 12.8.3** A statement of the unit member's right to a hearing on the charges and to be represented at such hearing by a representative of his/her choice;
- 12.8.4** The right to have such hearing conducted in open or closed session;
- 12.8.5** A statement of the time within which the unit member may request a hearing which shall not be more than five (5) work days after service of the notice to the unit member. This notice shall be effective upon personal service or deposit with the United States Postal Service. The notice shall be accompanied by a form which, when returned to the unit member, shall constitute a demand for a hearing and a denial of all charges. Failure to request a hearing in writing within the specified time shall be deemed to be a waiver of the right to hearing.

12.9 Access to Material

The unit member or his/her authorized representative may, upon request, have copies of the material upon which the charges are based.

12.10 Hearing Before Governing Board

12.10.1 The hearing shall be conducted by the Governing Board.

12.10.2 The unit member may be represented at the hearing by a representative chosen by the unit member.

12.10.3 The hearing shall be in closed session unless a public hearing is requested by the unit member.

12.10.4 The unit member shall have the right to personally appear and testify, to call, or through a representative call witnesses, examine and cross-examine. Witnesses shall be called individually and excused after testifying, if so requested by the unit member.

12.11 Results of Hearing, Decision

12.11.1 The Board shall render a decision as soon as possible after the hearing is completed and adopt it at that meeting or the next meeting.

12.11.2 A copy of the written decision by the Board shall be sent to the unit member and his/her representative no later than five (5) work days after it is adopted. The decision shall include findings of fact and determination of issues by the Board of Trustees.

12.12 Suspension With Pay

In cases of dismissal and/or where it is felt that district personnel, students, district property or the public are endangered, the Superintendent may suspend a unit member with pay by giving a written notice to the unit member and to CSEA prior to a hearing being held. However, the procedure for notice, hearing, etc. as provided in this Article shall be followed. The unit member shall remain in paid status until a final decision has been made which may include disciplinary action or reinstatement to the position held prior to the suspension.